

PROCEEDINGS AGAINST JACK DRAGNA FOR CONTEMPT  
OF THE SENATE

JANUARY 22 (legislative day, JANUARY 8), 1951.—Ordered to be printed

Mr. KEFAUVER, from the Special Committee To Investigate Organized  
Crime in Interstate Commerce, submitted the following

## REPORT

[To accompany S. Res. 50]

The Special Committee To Investigate Organized Crime in Interstate Commerce, as created and authorized by the United States Senate by Senate Resolution 202, Eighty-first Congress, second session, caused to be issued a subpoena to Jack Dragna, of Los Angeles, Calif. The said subpoena directed Jack Dragna to be and appear before the said committee forthwith at its committee room 900 HOLC Building, First Street and Indiana Avenue NW., Washington, D. C., then and there to testify touching matters of inquiry committed to said committee and not to depart without leave of said committee. The date of the subpoena was the 21st day of September 1950. Attendance pursuant to said subpoena was thereafter duly postponed to October 7, 1950, at 9:30 a. m., at which time the witness appeared. The witness was then instructed to reappear thereafter on the same day pursuant to said subpoena, dated September 21, 1950, and he did so appear. The subpoena served upon said Jack Dragna is set forth as follows:

UNITED STATES OF AMERICA  
CONGRESS OF THE UNITED STATES

To JACK DRAGNA,  
3927 Hubert Avenue, or 3521 Beachwood Street,  
Los Angeles, Calif., Greeting:

Pursuant to lawful authority, you are hereby commanded to appear before the Committee on Senate Committee To Investigate Organized Crime in Interstate Commerce of the Senate of the United States, on forthwith, 1950, at their committee room 900 HOLC Building, First Street and Indiana Avenue NW., Washington, D. C., then and there to testify what you may know relative to the subject matters under consideration by said committee, and bring with you:

1. All ledgers, vouchers, canceled checks, check stubs, bank deposit slips, bank statements, financial statements, notes, copies of tax returns, records of

accounts receivable and payable and records of cash receipts and disbursements for the period from January 1, 1940, to date;

2. All books, records, or other documents showing ownership of, or other holding or interest in any business company or enterprise, or in any property, real, personal or intangible, for the period from January 1, 1940, to date;

3. All correspondence relating to the subject matter referred to in paragraph 2 hereof, for the period from January 1, 1940, to date.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To \_\_\_\_\_, \_\_\_\_\_, to serve and return.

Given under my hand, by order of the committee, this 21st day of September, in the year of our Lord 1950.

ESTES KEFAUVER,

*Chairman, Committee on Organized Crime in Interstate Commerce.*

The said subpoena was duly served as appears by the return made thereon by Harold V. Weil (4,927), Los Angeles Police Department, intelligence section, who was duly authorized to serve the said subpoena. The return of the service by the said Harold V. Weil, being endorsed thereon is set forth as follows:

SEPTEMBER 28, 1950.

I made service of the within subpoena by handing to him personally the within-named subject, at the front of 7667 Hollywood Boulevard, Los Angeles, Calif., at 12:01 p. m., on the 28th day of September 1950.

HAROLD V. WEIL (4,927),

*Los Angeles Police Department, Intelligence Section.*

The said Jack Dragna pursuant to said subpoena and in compliance therewith appeared before the said committee to give such testimony as required by virtue of Senate Resolution 202, Eighty-first Congress, second session. Jack Dragna having appeared as a witness and having been asked questions, which questions were pertinent to the subject matter under inquiry, made answers as appeared in the record of the hearing on October 7, 1950, at Chicago, Ill., which record is annexed hereto and made a part hereof and designated "Annex I."

As a result of said Jack Dragna's refusal to answer the questions pursuant to the said inquiry, as appears in the record annexed, consisting of pertinent excerpts from the testimony of that day, the committee was prevented from receiving testimony and evidence concerning the matter committed to said committee in accordance with the terms of the subpoena served upon this witness.

The committee was therefore deprived of answers to questions pursuant to the committee's inquiry propounded to Jack Dragna pertinent to the subject matter which under Senate Resolution 202, Eighty-first Congress, second session, the said committee was instructed to investigate, and the refusal of the witness to answer questions as set forth in annex I, is a violation of the subpoena under which the witness was directed to appear and answer pertinent questions to the subject under inquiry, and his persistent and illegal refusal to answer the aforesaid questions deprived the committee of necessary and pertinent testimony and places this witness in contempt of the United States Senate.

The subcommittee hearing at which said witness refused to answer said questions was duly authorized by a resolution of the said committee, as set forth below:

SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED CRIME IN INTERSTATE  
COMMERCE

MINUTES OF A COMMITTEE MEETING, SEPTEMBER 6, 1950

The committee held an executive session at 2 o'clock in room F-82 in the Capitol. There were present Senators Kefauver, Hunt, and Wiley. There were also present Rudolph Halley, chief counsel; Alfred Klein, assistant counsel; and Mr. Julius Cahn, administrative assistant to Senator Wiley.

It was duly resolved on motion made by Senator Hunt and seconded by Senator Wiley that the chairman be authorized at his discretion to appoint subcommittees of one or more Senators, of whom one member will be a quorum for the purpose of taking testimony and all other committee acts, to hold hearings at such time and places as the chairman might designate with reference to the committee's investigations of organized crime in the vicinities of the cities of Chicago, St. Louis, Kansas City, Miami, Miami Beach, and Philadelphia, and in the States of New York and New Jersey.

ESTES KEFAUVER.

After reviewing the testimony and other facts as set forth herein, the committee adopted a resolution, as set forth below:

SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED CRIME IN INTERSTATE  
COMMERCE

MINUTES OF A COMMITTEE MEETING, JANUARY 5, 1951

The committee met at 11:30 a. m. in room 457, Senate Office Building. There were present the chairman and Senators Tobey and Wiley.

The chairman presented to the committee the minutes of the committee meeting of September 6, 1950, together with a resolution made as of that date. The chairman stated to the committee that the chairman had designated a subcommittee to hear continued testimony in connection with organized crime in the city of Chicago and in the cities of Miami and Miami Beach pursuant to the resolution of September 6, 1950, the subcommittee consisting of the chairman.

The chairman then presented to the committee the minutes of said subcommittee meetings on October 7, 1950, held in room 267, United States Courthouse (Old Post Office Building), Chicago, Ill.

The chairman stated to the committee that the witness, Jack Dragna repeatedly, consistently, and arbitrarily had refused to answer questions put to him throughout the chairman's examination of said witness on October 7, 1950, and that his refusal therefore was improper and contemptuous.

The chairman presented to the committee a draft report on the entire matter for the committee's consideration and the committee duly adopted the said report and instructed the chairman to present said report to the United States Senate.

Therefore, upon motion of Senator Tobey, duly seconded by Senator Wiley, it was duly resolved that the committee present to the United States Senate, for its immediate action, a resolution requiring the United States attorney for the northern district of Illinois to proceed against the said Jack Dragna in the manner and form provided by law.

ESTES KEFAUVER, *Chairman*.

## ANNEX I

INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE  
COMMERCE

UNITED STATES SENATE,  
SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED  
CRIME IN INTERSTATE COMMERCE,  
*Chicago, Ill., Saturday, October 7, 1950.*

## EXECUTIVE SESSION

The committee met, pursuant to call, at 9:30 a. m., in room 267, United States Courthouse (Old Post Office Building), Chicago, Ill., Senator Estes Kefauver (chairman of the committee) presiding.

Present: Senator Kefauver.

Also present: Rudolph Halley, chief counsel; George S. Robinson, associate counsel; George H. White, Patrick H. Kiley, William C. Garrett, and W. D. Amis, investigators; Julius Cahn, administrative assistant to Senator Wiley; Elmer Oltman, Intelligence Unit, Bureau of Internal Revenue, Kansas City Division, N. F. Ortwerth, internal revenue agent, St. Louis division; Daniel P. Sullivan, operating director, Crime Commission of Greater Miami; and Walter J. Devereux, chief investigator, Chicago Crime Commission, and consultant to the committee.

The CHAIRMAN. The committee will be in order.

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Mr. ROBINSON. When is the last time you were in Chicago?

Mr. DRAGNA. I don't remember.

Mr. ROBINSON. Were you in Chicago the first part of this year?

Mr. DRAGNA. I might have been. I don't remember.

Mr. ROBINSON. Don't you recall that far back whether you were in Chicago or not?

Mr. DRAGNA. No; I don't remember.

Mr. ROBINSON. You don't remember?

Mr. DRAGNA. No.

Mr. ROBINSON. You don't remember being in Chicago about February or January of this year?

Mr. DRAGNA. I don't remember.

The CHAIRMAN. Were you? You would know whether you were here in February or January of this year. That is not being very cooperative. If you came all the way to Chicago 8 months ago, you would know about it.

Mr. DRAGNA. I don't remember. I was in New York last year about this time. I don't remember whether I stopped here or not.

The CHAIRMAN. Did you stop over here?

Mr. DRAGNA. I don't remember, sir.

The CHAIRMAN. Did you visit here?

Mr. DRAGNA. I know I didn't visit. I don't remember.

Mr. ROBINSON. You came by airplane, didn't you?

Mr. DRAGNA. What?

Mr. ROBINSON. You came by airplane?

Mr. DRAGNA. Came where?

Mr. ROBINSON. The first part of this year, to Chicago, didn't you?

Mr. DRAGNA. I don't remember.

The CHAIRMAN. Mr. Dragna, I would like to be sympathetic and everything, but if you came to Chicago the first part of this year, you would know about it; so you might as well tell us about it, if you did.

Mr. DRAGNA. I am not trying to hide nothing. My memory ain't so good since they have been doing this to my family over there. They have got me half crazy, and when I tell you I don't remember, I don't remember. If I remembered, I would tell you.

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Mr. HALLEY. Did you make any trips after the police took your records?

The CHAIRMAN. Out of California.

Mr. DRAGNA. I don't remember.

Mr. HALLEY. Mr. Chairman, will you please instruct the witness to answer?

The CHAIRMAN. You should know, Mr. Dragna, whether you made any trips out of California since the police took your records.

Mr. DRAGNA. At times I don't even remember that I am alive.



The CHAIRMAN. That is not a hard thing to remember, about whether you went out of California or not.

Mr. DRAGNA. I don't remember.

Mr. KURLAND. Senator, they followed him with three cars, his son, with three police cars, night and day. His wife with three police cars. They have 27 police cars following him in shifts, not for the purpose of following him, but merely for the purpose of annoying him, because one goes in front and one goes in back, and one goes on the side.

The CHAIRMAN. That is all the more reason why he ought to remember whether he has been out of California.

Mr. KURLAND. It is very disturbing. He has a son working 12 hours a day in a delicatessen. They follow him. They stand out in front of the delicatessen all day with three police cars.

The CHAIRMAN. That is not a very satisfactory answer to the simple question of whether he has left the State of California since February 1950; and, if so, where did he go to?

He has answered in detail about things 20 years ago, and he would certainly know what happened this year.

What is your answer?

Mr. DRAGNA. I don't remember.

The CHAIRMAN. You do not remember whether you have been out of California this year or not?

Mr. DRAGNA. That is correct; I don't remember.

\* \* \* \* \*

Mr. HALLEY. Have you been in an airplane in 1950?

Mr. KURLAND. You mean other than the flight here this time?

Mr. HALLEY. Other than to come here to Chicago to testify?

Mr. DRAGNA. I don't remember.

Mr. HALLEY. What is your answer?

Mr. DRAGNA. I don't remember.

Mr. HALLEY. Have you been in a train in the year 1950, other than to appear here to testify?

Mr. DRAGNA. I don't remember.

Mr. HALLEY. Your answer is that you do not remember?

Mr. DRAGNA. That is correct.

Mr. HALLEY. I ask the chairman to advise the witness that an answer that he does not remember whether he was in a train or an airplane in the year 1950, is not a satisfactory answer, and amounts to a refusal to answer the question.

The CHAIRMAN. Yes, that is right. That is a very simple question, as to whether you have been in an airplane or a train during 1950, and your refusal to answer would show that you are concealing some fact, or it would indicate that, and that would be a matter for the committee to consider in connection with a contempt citation, Mr. Dragna. I think I had better advise you about what—

Mr. DRAGNA. I think I have been pretty fair in answering everything.

The CHAIRMAN. That is a very simple question. We just want to know.

Mr. KURLAND. As long as the chairman is instructing the witness in connection with this matter, I feel I should advise the witness that in this particular question he can reply separately. He has answered repeatedly he does not remember. Separate and apart from that, and without waiving the answer, I advise the witness that he may refuse to answer—and we don't consider the "I don't remember" a refusal to answer—upon the grounds that it may tend to incriminate him in connection with some Federal penal statute or Federal offense.

Do you so state your constitutional privilege in words of that phrasing?

Mr. DRAGNA. If it is necessary; yes.

Mr. HALLEY. What Federal offense do you have in mind? Think of one fast, please.

Mr. KURLAND. I don't need your sarcasm. You think of one fast. You stated it.

Mr. HALLEY. Your objection isn't satisfactory unless you state it.

Mr. KURLAND. Let a court decide.

Mr. HALLEY. Are you willing to state a particular offense that you refer to in making this objection?

Mr. KURLAND. Federal offenses tending to possibly involve him in a violation of a Federal statute regulating or affecting interstate commerce or penal activities in connection therewith. I do not want the record to be confused at all. The witness has separately answered the question. If the answer is not to the satisfaction of the committee, then the constitutional grounds as phrased are separately and distinctly stated, and not waived.

Mr. HALLEY. You mean they are a second line of defense?

The CHAIRMAN. That is all right. Just go ahead.

Mr. HALLEY. Were you in the city of Chicago in the year 1950?

Mr. DRAGNA. I don't remember.

Mr. HALLEY. Do you want to restate again the objection on the constitutional grounds?

The CHAIRMAN. I order you to answer more definitely, Mr. Dragna.

Mr. DRAGNA. My answer is that I don't remember.

Mr. KURLAND. Without waiving the answer which the witness has made to the question, and separately and apart therefrom, the witness stands upon his constitutional right that it may tend to incriminate him in connection with a Federal offense involving the proceeding in interstate commerce across State line or otherwise, in relation to a violation of a Federal penal law.

Do you state that as your ground, sir?

Mr. DRAGNA. Yes.

Mr. KURLAND. That is not a confession or concession that the witness has not answered.

The CHAIRMAN. We understand the point.

There are two other questions. When you were working for the Illinois News Service, did the checks come from Illinois to you? Were they sent from here to you in Los Angeles?

Mr. DRAGNA. That is correct.

The CHAIRMAN. By mail?

Mr. DRAGNA. That is correct.

The CHAIRMAN. When you ceased doing business with them in February 1950, did they send you any lump-sum amount or any amount to settle your account with them?

Do you say "no"?

Mr. DRAGNA. No, sir.

The CHAIRMAN. Did you have an office in which you did business out there?

Mr. DRAGNA. I was doing business out of my home.

The CHAIRMAN. Your office was in your home?

Mr. DRAGNA. Yes.

The CHAIRMAN. All right. That is all.

Mr. Dragna, you can go back to Los Angeles. The subpoena that has been served on you will be a continuing one. If you or your attorney are notified that we want you to appear somewhere, we will expect you to appear without the service of another subpoena. Is that understood?

Mr. KURLAND. It will be understood he will be appearing under the force of this subpoena. Would your rule on my request to return the papers held by the committee which were unlawfully taken from Mr. Dragna's home?

The CHAIRMAN. I personally do not know of any papers. Whatever papers we may have, I am certain that we got legally. So if there are papers which I do not know about, I do not know about them, and your application will be overruled.

It is academic, so far as I am concerned, because I do not know about the papers.

Mr. KURLAND. I presume the Senator knows what his assistants know.

Separately from that, and without waiving my request, Senator, those papers which they don't need and which might be of some assistance in the ordinary conduct, I think they might send back, even if they have to send them anonymously. There is no use in their being vindictive or petty about the matter.

The CHAIRMAN. You have made your application.

Thank you.

Mr. KURLAND. Thank you.

(Discussion off the record.)

The CHAIRMAN. It is stipulated that the record Mr. Kurland will have is for the confidential use of himself and his client, and for no one else.

Mr. KURLAND. I will accept that as such, and will observe my word. Thank you.

(Thereupon, at 12:45 p. m., a recess was taken until 2:30 p. m., of the same day.)